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"Express Mail" mailing label number: EV 924791776 US

Date of Deposit: February 7, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

SAITO et al.

Serial No. 10/642,899

Filing Date: August 18, 2003

Examiner: W.J. Klimowicz

Group Art Unit No. 2627

For: DUAL-TYPE MAGNETIC DETECTING
ELEMENT IN WHICH FREE MAGNETIC
LAYER AND PINNED MAGNETIC LAYER
HAVE SUITABLY SELECTED BETA VALUES

Our Case No. 9281-4631

Client Ref. No.: N US02078

Mail Stop Patent Ext.
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL

Attached are:

- ☒ Transmittal Letter (in duplicate); Request for Reconsideration of Patent Term Adjustment (in duplicate) with attached Appendix A and B.
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$ _____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$ _____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

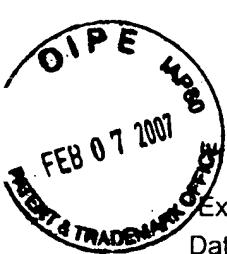
- ☐ A check in the amount of \$ _____ for the Petition fee is enclosed.
- ☒ Please charge Deposit Account No. 23-1925 in the amount of \$200.
- ☐ Payment by credit card in the amount of \$ _____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

February 7, 2007

Date

Gustavo Siller, Jr. (Reg. No. 32,305)



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REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Mail Stop Patent Ext
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

U.S. Patent Application Serial No. 10/642,899 has a patent term adjustment under 35 U.S.C. §154(b) of 541 days as indicated by the PAIR PTA adjustment history, herein attached as Appendix A. U.S. Patent Application 10/642,899 is not subject to a terminal disclaimer. For the reasons stated herein, reconsideration of this patent term adjustment is respectfully requested.

Period of adjustment pursuant to 37 CFR § 1.703(a)(1)

The PTO calculation of the period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1) indicates, as shown by the PAIR PTA adjustment history, an adjustment of 541 days (14 months after the filing of the application on August 18, 2003 to the mailing of the first Office Action on April 12, 2006).

Period of adjustment pursuant to 37 C.F.R. § 1.703(b)

The period of adjustment pursuant to 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on which the application was filed pursuant to 35 U.S.C. § 111(a) or fulfilled the requirements pursuant to 35 U.S.C. § 371.

The present application was filed on August 18, 2003. The 3 year date specified in 37 C.F.R. § 1.703(b) is August 18, 2006. The issue date as indicated by the Issue Notification is January 2, 2007. The Issue Notification is attached as Appendix B. The difference between the 3 year date (August 18, 2006) and the issue date (January 2, 2007) is 137 days.

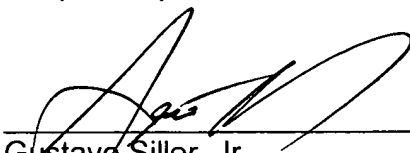
Total patent term adjustment

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the adjustment under 37 C.F.R. § 1.703 reduced by the reduction under 37 C.F.R. § 1.704. The total adjustment is thus $541 + 137 - 0 = 678$ days.

For the reasons stated herein, reconsideration of the patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(b). Please charge the fee and/or credit any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

Applicants respectfully request reconsideration of the patent term adjustment for this application. Office personnel are invited to contact the undersigned for Applicants via telephone if such communication would expedite this request.

Respectfully submitted,



Gustavo Siller, Jr.
Registration No. 32,305
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

APPENDIX

A

Search results as of: 01-18-2007::18:05:47 E.T.

Patent Term Adjustment

Filing or 371(c) Date:	08-18-2003	USPTO Delay (PTO) Delay (days):	541
Issue Date of Patent:	01-02-2007	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	0
Post-Issue Petitions (days):	+0	Total Patent Term Adjustment (days):	541
USPTO Adjustment(days):	+0	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
12-13-2006	PTA 36 Months		
01-02-2007	Patent Issue Date Used in PTA Calculation		
11-22-2006	Dispatch to FDC		
11-22-2006	Application Is Considered Ready for Issue		
11-20-2006	Issue Fee Payment Verified		
11-20-2006	Issue Fee Payment Received		
09-06-2006	Mail Notice of Allowance		
09-05-2006	Notice of Allowance Data Verification Completed		
09-05-2006	Case Docketed to Examiner in GAU		
09-01-2006	Date Forwarded to Examiner		
08-31-2006	Response after Non-Final Action		
02-23-2006	Miscellaneous Incoming Letter		
06-13-2006	Mail Non-Final Rejection		
06-12-2006	Non-Final Rejection		
03-15-2004	Information Disclosure Statement considered		
08-18-2003	Information Disclosure Statement considered		
05-22-2006	Date Forwarded to Examiner		
05-15-2006	Response to Election / Restriction Filed		
04-12-2006	Mail Restriction Requirement	541	
04-11-2006	Requirement for Restriction / Election	↑	
03-21-2006	Case Docketed to Examiner in GAU	↑	
01-11-2005	Case Docketed to Examiner in GAU	↑	
03-15-2004	Information Disclosure Statement (IDS) Filed	↑	
07-01-2004	Miscellaneous Incoming Letter	↑	
07-30-2004	IFW TSS Processing by Tech Center Complete	↑	
08-18-2003	Request for Foreign Priority (Priority Papers May Be Included)	↑	
08-18-2003	Reference capture on IDS	↑	
08-18-2003	Information Disclosure Statement (IDS) Filed	↑	
08-18-2003	Claims PTO	↑	
08-18-2003	Preliminary Amendment	↑	
07-28-2004	Case Docketed to Examiner in GAU	↑	
07-25-2004	Application Return from OIPE	↑	

07-25-2004	Application Return TO OIPE	↑
07-25-2004	Application Dispatched from OIPE	↑
07-26-2004	Application Is Now Complete	↑
07-16-2004	Cleared by L&R (LARS)	↑
06-28-2004	Intentionally Referred by OIPE or L&R	↑
06-15-2004	IFW Scan & PACR Auto Security Review	↑
08-18-2003	Initial Exam Team nn	↑

Close Window

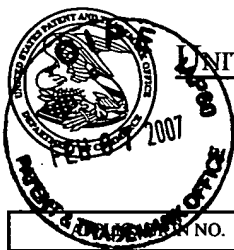
APPENDIX B

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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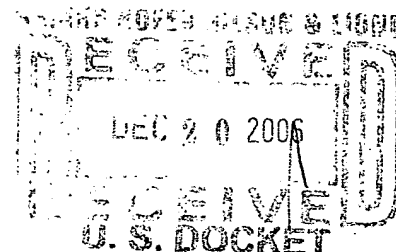
PATENT NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,899	01/02/2007	7158354	9281-4631	3209

7590

12/13/2006

Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

ISSUE NOTIFICATION



The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 541 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Masamichi Saito, Niigata-ken, JAPAN;
Yosuke Ide, Niigata-ken, JAPAN;
Naoya Hasegawa, Niigata-ken, JAPAN;